IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.990 OF 2005
WITH
CIVIL APPLICATION NO.1167 OF 2005

Bashir Ahmed Athania & Ors. ..Appellants.
Vs.
Hari Om Builders & Ors. ..
Respondents.

...

Mr. G.S. Godbole for the Appellants.
Mr. A.Y. Sakhare, Senior Advocate with Mr. Anil Singh with Mr.D.R. Shah for Respondent No.1.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

22nd November, 2005.

P.C. :

A plea of adverse possession has been sought to be set up without impleading the owners of the property. In view of the aforesaid difficulty, counsel appearing for the Appellants states that the Appellants would withdraw Notice of Motion 3093 of 2005 and take out appropriate proceedings after proceedings are taken out and orders obtained for the amendment of the plaint so as to bring the owners of the property on the record. The prayer for withdrawal of the Motion is not opposed. Notice of Motion 3093 of 2005 is accordingly dismissed as withdrawn with liberty reserved as prayed. The Appeal from Order is accordingly disposed of.

In view of the disposal of the Appeal from Order, the Civil Application is rendered infructuous and is accordingly disposed of.